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AN ORDINANCE

98838

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES
THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF
SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND
REZONING CERTAIN PROPERTY DESCRIBED HEREIN.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

CASE NO. Z2003232

The rezoning and reclassification of property from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "PUD MF-25 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District on the property listed as follows:

33.49 acres out of NCB 19218

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to:

1. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. This is to include any swimming pool chemicals used for maintenance. Failure to comply with the label warnings may constitute a violation of Federal law.
2. The land uses within the MF-25 zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on the site.
3. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
4. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.
5. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
6. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:

- A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted or each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
7. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by recognized authorities such as the Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc.

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -491.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection .

PASSED AND APPROVED THIS 12th DAY OF February 20 04

ATTEST: Julia L. Lelann
City Clerk

MAYOR: _____

Edward D. Garza
EDWARD D. GARZA

APPROVED AS TO FORM: _____

Yusef J. Ward
CITY ATTORNEY